

***IN THE UNITED STATES PATENT AND TRADEMARK OFFICE***

Applicants: Masayuki II *et al.*  
Title: SEVERE SEPSIS PREVENTIVE THERAPEUTIC AGENT  
Appl. No.: 10/510,596  
International Filing Date: 4/7/2003  
371(c) Date: 8/17/2005  
Examiner: Shobha KANTAMNENI  
Art Unit: 1617  
Confirmation Number: 1802

**RESPONSE TO RESTRICTION REQUIREMENT**

Mail Stop Amendment  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the restriction requirement set forth in the Office Action mailed March 24, 2009, Applicants hereby elect Group I, claims 1-6 for prosecution on the merits. Applicants elect the species of compound 72 as a non-peptide compound of formula I or II, and an antibacterial agent as a drug in claim 4. Claims 1-6 read on the elected Group and species. The election of species is made solely for initial search and examination and, upon the identification of allowable subject matter in generic or linking claims, Applicants respectfully request rejoinder and examination of the remaining species. Applicants reserve the right to pursue non-elected subject matter in divisional applications with the same right of priority as the present application.

The Examiner is invited to contact the undersigned if it is believed that telephone communication would assist examination and expedite prosecution.

A petition for extension of time and the fees required therefore are enclosed, to make the response timely. The Commissioner is hereby authorized to credit any overpayment, or charge any additional fees required under 37 C.F.R. §§ 1.16-1.17, to Deposit Account No. 19-0741. Missing, rejected or incomplete fees should likewise be charged to the Deposit Account. If any extensions of time are needed, Applicants hereby petition for such extension under 37 C.F.R. §1.136 and authorizes payment of extension fees from the Deposit Account.

Respectfully submitted,

Date 16 June 2009

FOLEY & LARDNER LLP  
Customer Number: 22428  
Telephone: (202) 672-5569  
Facsimile: (202) 672-5399

By 

Simon J. Elliott  
Attorney for Applicants  
Registration No. 54,083